

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

SISKIYOU BUCKLE CO., INC.,

Case Number 09-3073-CL

Plaintiff,

v.

ORDER

GAMEWEAR, INC.,

Defendant.

PANNER, J.

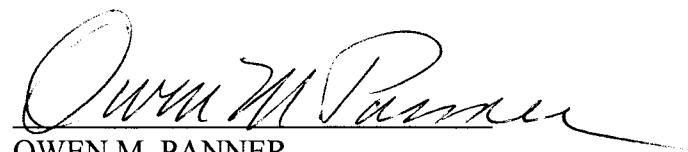
On September 9, 2010, Defendant Gamewear, Inc., filed a Motion to Vacate Entry of Default and Default Judgment (#13). Oral argument on defendant's motion was held September 22, 2010, before Magistrate Judge Mark D. Clarke. Both parties were represented at argument by counsel. In connection with its motion, defendant seeks a preliminary injunction to enjoin Plaintiff Siskiyou Buckle Co., Inc., from pursuing further action to enforce this court's Entry of Default (#9) and Judgment (#12) in proceedings initiated by plaintiff in New Jersey Superior Court, Hudson County. Defendant alleges enforcement of the judgment in the New Jersey proceedings will be fatal to its business, that it has a meritorious defense to plaintiff's claims, and further that it is fully prepared to swiftly and vigorously defend this action. Defendant requests plaintiff be enjoined

pending resolution of Defendant's motion. Having considered the parties' arguments, pleadings, and all declarations and exhibits attached thereto, the court finds that defendant has demonstrated that serious questions are raised and the balance of hardships tips in its favor, that its remedy at law is inadequate, and that defendant will suffer irreparable injury unless defendant is granted relief.

Therefore,

IT IS ORDERED that Plaintiff is enjoined from all further enforcement of the Entry of Default and Judgment in New Jersey Superior Court, and all other courts, pending resolution of Defendant's Motion to Vacate.

DATED this 23 day of September, 2010.



OWEN M. PANNER
United States District Judge